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February 18, 2004

Mr. J.I. Palmer, Jr., Esq.
Regional Administrator
U.S. EPA, Region 4
Sam Nunn Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-8960

Dear Mr. Palmer:

This letter is in response to comments received December 3, 2003, from your office concerning South Carolina's recommendations for 8-hour ozone nonattainment boundaries. I am replying to provide the overall basis on which our original recommendations and subsequent changes after consideration of the 2003 ozone data were made. I am also providing a timeline for submitting additional supporting information for our recommendations.

I believe that our current recommendations for partial county nonattainment areas in Anderson, Greenville, Lexington, Richland, and Spartanburg Counties are appropriate because:

1. South Carolina has invested significant resources to conduct a statewide 8-hour ozone modeling analysis. Results show that all areas of South Carolina will attain the 8-hour ozone standard by 2007 with the reductions attributed to the NO_x SIP Call and the Tier 2/Low Sulfur Fuel regulations. Additionally, a modeling analysis for the year 2012 demonstrates attainment as well. The results of this modeling verify the regional modeling completed by EPA, which also demonstrated attainment for all South Carolina areas with implementation of the above programs. Further, the modeling that has been completed to date does not incorporate the benefits to be derived from the Early Action Compact plan requirements or EPA's proposed non-road requirements, from which we anticipate significant air quality benefits.
2. The South Carolina General Assembly passed and our Governor signed a concurrent resolution that endorses Early Action Compacts and encourages state agencies to develop programs that focus on efforts that state government can take to reduce ground-level ozone. At the end of 2002, 45 of South Carolina's 46 counties entered into Early Action Compacts to implement ozone reduction strategies earlier than federally required. These counties, along with other government entities, industry, environmental groups, and other stakeholders have worked together both at the local level and state level to develop strategies to reduce ozone pollution. Most importantly to our future air quality, these 45 counties embrace strategies that are best for improving air quality on a statewide level and not just where boundary lines are proposed to be drawn. These efforts demonstrate a commitment by all involved, including those few counties that have been identified by EPA as potential nonattainment areas, to protect and improve air quality for the citizens of South Carolina.
3. We have defined reasonable and rational boundary designations following the criteria published

in EPA's Boundary Guidance on Air Quality Designations for the 8-Hour Ozone National Ambient Air Quality Standards. The combination of our boundary recommendations and our ozone early action commitment provides a common sense approach that utilizes reasonable analysis of scientific data. Our recommended boundaries are sufficiently protective and EPA's presumptive full-county designations unnecessarily penalize predominantly rural areas of our state that do not substantially contribute to air quality problems. We also are concerned that EPA has modified our recommended boundaries without providing any specific information or details as to why the detailed information we submitted, which followed EPA's published guidelines, was not sufficient.

4. A key statutory authority in South Carolina is our ability to require controls on sources regardless of the designation of the area in which the sources are located. In fact we currently have regulations that are more stringent and protective than federal requirements. Further, our recent actions, such as addressing NO_x emissions from stationary sources, demonstrate our ability and political will to implement controls to improve air quality statewide rather than on an area or county level basis.
5. South Carolina recognizes the importance of providing our citizens with information on air pollution levels where they live and work. We have implemented a comprehensive ozone-forecasting program that is not limited to a few areas but instead covers twenty-six of the forty-six counties in our state. We have partnered with North Carolina's Department of Environment and Natural Resources to provide a forecast for an additional three counties along the State border. Our citizens are alerted on a daily basis during ozone forecasting season as to the predicted quality of the air so that they may take actions as they believe appropriate to better protect their health. We have expended and continue to expend significant resources to provide this service to our citizens. This daily forecast is a much better indication to the public of when they need to act to avoid exposure to high ozone levels than a nonattainment designation, which is a one-time publication in the *Federal Register*.
6. We believe that the presumption by EPA of the MSAs/CMSAs as the nonattainment boundary is inappropriate. The Clean Air Act's requirement of Metropolitan Statistical Areas (MSAs) or Consolidated MSAs (CMSAs) as the nonattainment boundary applies only to areas designated as serious and above. Based on the latest draft proposal by EPA concerning implementation of the 8-hour ozone standard, South Carolina areas would most likely be classified as marginal or at most moderate. For EPA to default to a presumptive boundary for "consistency" purposes stifles the creativity to improve air quality as expeditiously as possible to bring clean air to its citizens and appears to reward those who choose to wait. EPA's suggested broad-brush approach discourages initiatives by local areas, counties, and states to be proactive. Further, for EPA to default to its presumptive boundaries rather than allowing the use of its published criteria significantly changes Congressional intent and EPA's guidelines to a "presumptive norm."
7. The Office of Management and Budget has defined metropolitan areas for statistical purposes to include the collection, tabulation, and publication of data by Federal agencies for geographic areas to facilitate the uniform use and comparability of data on a national scale. Most recently, in the December 27, 2000, Federal Register notice concerning *Standards for Defining Metropolitan and Micropolitan Statistical Areas* the Office of Management and Budget states:

"The general concept of a Metropolitan Statistical Area or a Micropolitan Statistical Area is that of an area containing a recognized population nucleus and adjacent communities that have a high degree of integration with that nucleus. The purpose of the Standards for Defining Metropolitan and Micropolitan Statistical Areas is to provide nationally consistent definitions for collecting,

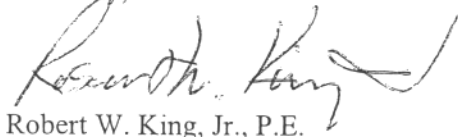
tabulating and publishing Federal statistics for a set of geographic areas. To this end, the Metropolitan Area concept has been successful as a statistical representation of the social and economic linkages between urban cores and outlying, integrated areas. This success is evident in the continued use and application of metropolitan area definitions across broad areas of data collection, presentation and analysis. This success is also evident in the use of statistics for metropolitan areas to inform the debate and development of public policies and in the use of metropolitan area definitions to implement and administer a variety of nonstatistical Federal programs. These last uses, however, raise concerns about the distinction between appropriate uses - collecting, tabulating and publishing statistics, as well as informing policy - and inappropriate uses - implementing nonstatistical programs and determining program eligibility. OMB establishes and maintains these areas solely for statistical purposes. In order to preserve the integrity of its decision making with respect to reviewing and revising the standards for designating areas, OMB believes that it should not attempt to take into account or anticipate any public or private sector nonstatistical uses that may be made of the definitions. It cautions that Metropolitan Statistical Area and Micropolitan Statistical Area definitions should not be used to develop and implement Federal, state and local nonstatistical programs and policies without full consideration of the effects of using these definitions for such purposes."

South Carolina asserts that designating areas under the National Ambient Air Quality Standards is indeed a nonstatistical program.

We will be submitting information by February 20, 2004, further supporting our position that Cherokee, Pickens, and York should be designated as attainment areas. We will also be providing additional information regarding our boundary recommendations for Anderson, Greenville, Spartanburg and Columbia by February 27, 2004.

In closing, I hope that EPA will review and carefully reconsider our earlier information regarding recommended boundary areas, these comments, and any additional supporting technical documentation regarding our application of EPA's eleven criteria. With the information provided and considering our demonstrated ability to attain National Ambient Air Quality Standards, we encourage EPA to focus its efforts on air quality, not on burdening states and EPA with collecting data and information to support small or large boundaries. EPA and states should focus on the intended results of clean air but in a manner that is contingent upon delivery of those results. South Carolina has demonstrated the desire and ability to obtain results. We look forward to continued discussions regarding these matters. If there are any questions concerning this information please contact Renee Shealy at (803) 898-4299 or by e-mail at shealyrg@dhec.sc.gov.

Sincerely,



Robert W. King, Jr., P.E.
Deputy Commissioner
Environmental Quality Control

cc: Renee Shealy, Bureau of Air Quality